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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,744	05/20/2004	Fred H. DeSanti	US0304/183R	8580
23697	7590	01/03/2005	EXAMINER	
Island Patent Associates 12 Rutgers road Farmingville, NY 11738			KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/849,744	DESANTI, FRED H.	
	Examiner	Art Unit	
	Árpád Fábián Kovács	3671	

All participants (applicant, applicant's representative, PTO personnel):

(1) Árpád Fábián Kovács.

(3) \_\_\_\_\_.

(2) F. Scott Tierno.

(4) \_\_\_\_\_.

Date of Interview: 27 December 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1,4,5 and 12-14.

Identification of prior art discussed: Kerry (3601966); Gascom (4292794).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant initiated the interview in order to discuss the objections to the drawings and the novelty of the application, especially in view of the prior art, such as, the applied reference Kerry. Applicant also pointed out that many references provide for the linear, sliding motion of a member to facilitate picking, such as Gascom. Applicant argued that the application provides for structures which is novel, since it is simple in design, unlike the prior art. For example, the Applicant's invention provides an angle for the head portions (gathering head, grasping member), and slides linearly; and, does not have pivoting link, nor hinges. Examiner suggested that perhaps these differences should be recited in the claims, since as it is claimed, Kerry shows the gathering head, handle, and a grasping member and sleeve and capable of providing for linear motion as illustrated in fig 1-3. In re the drawing the Applicant first argued, than later admitted that the detachable coupling & locking mechanism is not demonstrated, could be cancelled from the claims, since it does not form part of the invention. Examiner pointed out that in the 35 U.S.C. 112, first paragraph, and drawing objection 37 CFR 183(a), requires that the claimed features to be shown in the drawings, while the 112, 1st paragraph requirement is that, the subject matter must be described in the specification in such a way as to reasonably convey to one skilled in the relevant art had possession of the claimed invention and/or the subject matter must be described in the specification in such a way as to enable one skilled in the art to make and use the invention and/or the critical or essential elements to practice the invention must be enabling by the disclosure. The Applicant did not provide written disclosure and illustration how a slidable coupling & locking mechanism would be operate and/or assembled with the grasping sleeve and elongated handle. The Applicant argued that the slidable coupling and locking mechanism is well known in the art, but did not provide specifics how any one of the well known device(s) would work in conjunction with the invention. Applicant also admitted that the angled feature of the grasping member and the gathering head is being marketed by the inventor; while, the sleeve, and handle portion do not form part of the novelty of the invention, along with the slidable coupling and the locking mechanism.

Examiner also spent time to review Applicant's informal fax, which amounts to an informal "Request for Reconsideration," and found that on page 4, and also on page 5, 2<sup>nd</sup> paragraph, the Applicant argued that the detachable coupling arrangements and the locking mechanism are "not essential" & "these features ... do not represent limitations." Examiner would like to reiterate, that these features should be shown and/or cancelled in the claims. It is noted that no new matter should be added to the application.

On page 6, 3<sup>rd</sup> paragraph, it is noted that the downward angle is shown in either method of use: gathering or grasping. It is noted, however, that the claim is not set forth as the Applicant argued, and neither a method of use claim provided.

On page 6, 4<sup>th</sup> paragraph, Applicant's finding that Kerry is more complicated is not germane, the apparatus claimed is met by the prior art.

On page 6, 5<sup>th</sup> paragraph, the method of use of the applicant's structure is not claimed. However, the Examiner disagrees that Kerry does not provide for this functionality. This paragraph continued on page 7, that a "quick and easy of separating of the gathering portion from the grasping portion" is not taught by Kerry. Examiner did not find this recitation in the claims.

On page 7, 3<sup>rd</sup> paragraph, this recitation is also not part of any of the claims.

On page 7, last paragraph, it is unclear where the comparison described in the argument present in the claims.

On page 8, in the Summary of the arguments, Applicant's finding that the prior art is not compatible & more complicated fails to specifically point out how the language of the claims patentably distinguishes them from the reference.

PTOL-413A (09-04)  
Approved for use through 9/3/2006, OMB 0851-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/849,744 First Named Applicant: Fred DeSanti  
Examiner: Arpad F. Kovacs Art Unit: 3671 Status of Application: Pending - 1st Action

**Tentative Participants:**

(1) Scott Tierno - Agent (2) \_\_\_\_\_  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: TBD Proposed Time: TBD (AM/PM)

**Type of Interview Requested:**

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rejection: 102</u>	<u>Claims 1&amp;7</u>	<u>Kerry</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) <u>Obj: Drawings</u>	<u>4, 12 &amp; 13</u>	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) <u>Obj: Drawing</u>	<u>5 &amp; 14</u>	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

**Brief Description of Arguments to be Presented:**

Please see attached Agenda and Proposed Informal Response.

An interview was conducted on the above-identified application on \_\_\_\_\_

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
Applicant/Applicant's Representative Signature

F. Scott Tierno

Typed/Printed Name of Applicant or Representative

39,399

Registration Number, if applicable

\_\_\_\_\_  
Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Island Patent****— Patent Practitioners —**

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Farmingville, NY 11738  
631-698-2697  
Fax: 631-698-4977  
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**Fax Cover Sheet**To: USPTO

From: Scott Tierno

EXAMINER KOVACS  
(3671)Fax: 1-703-746-3542Date: DEC 22, 2004Voice: 703-308-5897Message: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**Confidential**

The documents and information contained herein are confidential and proprietary, and intended for use by the addressee listed above. Any other recipient is respectfully requested to immediately notify the sender at 631-698-2697. All costs incurred will be reimbursed. Thank-you.

Total Number of Sheets (including this one):

13

***Island Patent***

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December 22, 2004

United States Patent and Trademark Office  
Commissioner of Patents  
Alexandria, VA 22313

Regarding : Interview Agenda Summary and Informal Draft Correspondence  
App. No. : 10/849744  
Attention : Examiner Arpad F. Kovacs  
Art Group : 3671  
Title (current): Debris Gathering And Pickup Tool  
Inventor(s) : DeSanti  
Filing Date : 20 May 2004  
Docket No. : US0304/183R  
Cust No. : 23697  
Action Date : 31 August 2004

Dear Sir:

As per our recent telephone conversation, please find included herewith a "proposed interview agenda", PTOL413A, and an Informal Draft Response that is not to be made of record. An interview is being requested to discuss this draft response, several important aspects of the applicant's presently claimed invention, and the cited prior art of record.

Please feel free to contact me at your convenience should you require any additional information. If helpful, I can also be reached at 'fscott@islandpatent.com'. Thank-you.

Sincerely,



F. Scott Tierno  
Registered Patent Agent  
USPTO Reg. No. 39,399  
[fscott@islandpatent.com](mailto:fscott@islandpatent.com)

**Proposed Interview Agenda****(See attached Informal Draft Response to the Action of Aug 31, 2004)**

**App. No.** : 10/849744  
**Title** : Debris Gathering And Pickup Tool  
**Attention** : Examiner Arpad F. Kovacs  
**Art Group** : 3671  
**Docket No.** : US0304/183R  
**Agent** : F. S. Tierno  
**Reg. No.** : 39,399  
**Cust No.** : 23697

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**I) Discuss present applicant's invention:** Brief overview of important features & limitations.

**II) Review Prior Art:**

Discuss Kerry (3,601,966), Figs. 2 through 7, including operation, and requirements of the pivot link 2 and resilient member 34.

Briefly discuss Tolliver (5,303,536), Figs. 1A through 2B, including structure and operation.

**III) Discuss present applicant's invention and limitations of independent claims:**

Please see Remarks section of the attached Informal Draft Response.



**Island Patent**

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December 21, 2004

United States Patent and Trademark Office  
Commissioner of Patents  
Alexandria, VA 22313

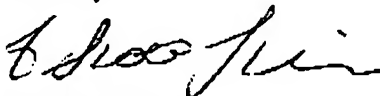
Regarding : Interview Agenda Summary and Informal Draft Correspondence  
App. No. : 10/849744  
Attention : Examiner Arpad Kovacs  
Art Group : 3671  
Title (current): Debris Gathering And Pickup Tool  
Inventor(s) : DeSanti  
Filing Date : 20 May 2004  
Docket No. : US0304/183R  
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Dear Sir:

As per our recent telephone conversation, please find included herewith a "proposed interview agenda", and an Informal Draft Response/Communication that is not to be made of record. An interview is being requested to discuss this draft response, the cited prior art, and several important aspects of the applicant's presently claimed invention.

Please feel free to contact me at your convenience should you require any additional information. If helpful, I can also be reached at 'fscott@islandpatent.com'. Thank-you.

Sincerely,



F. Scott Tierno  
Registered Patent Agent  
USPTO Reg. No. 39,399  
[fscott@islandpatent.com](mailto:fscott@islandpatent.com)

Appl. No 10/849744  
Reply to Office Action of 31 Aug 2004

## In the United States Patent and Trademark Office

Appl No. : 10/849744 Conformation No. 8580  
Inventor : DeSanti  
Filed On : 20 May 2004  
Docket No. : US0304/183R  
Art Unit : 3671  
Examiner : Arpad F. Kovacs  
Title : Debris Gathering And Pickup Tool

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMAL DRAFT COMMUNICATION - NOT TO BE MADE OF RECORD**  
(Pursuant to Official Gazette Notice of Oct. 19, 1988)

Sir:

In response to the Office Action dated August 31, 2004,  
please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2.

**Remarks** section begins on page 4.

The proposed amendments to the present application, as  
provided on the following pages, are deemed not to add new  
subject matter as required by 35 U.S.C. 132 and 37 C.F.R.  
Rule 1.118.

Appl. No 10/849744  
Reply to Office Action of 31 Aug 2004

**Amendments to the Specification**

1. Please replace paragraphs [0012], [0018], and [0022], as filed, with the updated versions provided below:

[0012] Fig. 1B shows the embodiment depicted in Fig. 1A in a side view, clearly showing the downward angling of each of the gathering head and the grasping member, with respect to a longitudinal axis of the elongated handle and the grasping sleeve, respectively.

[0018] Figs. 6A, 6B, and ~~[[6c]]~~ 6C depict exemplary (preferably flattened) gathering heads.

[0022] Importantly, embodiments of the invention may be provided with a downward angle of the gathering head 14 and the downward angle of the grasping member 28 that are substantially equivalent, and within a wide range of degrees. The actual downward angles employed for ~~[[of]]~~ each of the gathering head 14 and the grasping member 28, of a respective embodiment, are best determined by the actual usage and task that must be performed with that embodiment. When considering a most preferred embodiment of the invention, the downward angle of the gathering head and the downward angle of the grasping

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member may be substantially within a range of 15 to 60 degrees.  
As appreciated by skilled persons, it may be desirable to  
provide a somewhat lesser angle for the downward angle of the  
grasping member, with respect to the downward angle of the  
gathering head, for certain embodiments.

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**Remarks:**

1. Several replacement paragraphs of the specification have been updated to correct several typographical and grammatical errors.
2. The Examiner has indicated that the drawings are objected to under 37 CFR 183(a) for not showing every feature of the invention specified in the claims. Specifically, the Examiner has indicated the locking mechanism (of claims 4, 12-13) and the detachable couplings (of claims 5 and 14) must be shown or the features cancelled from the claims.

The applicant respectfully must disagree with the Examiner regarding this objection. Importantly, the applicant has specifically included Fig. 7 in accordance with section 1.83(a).

As stated in the second sentence of 37 CFR 1.83(a):

... However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawings in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). ...

The applicant has disclosed and claimed these features intending to clearly indicate that the locking mechanism 44 and the (detachable) coupling arrangements are not essential features. The contemplated and disclosed embodiments of the present invention can be utilized in an effective and efficient manner without these features being included. These features certainly do not represent limitations at the point of novelty. As such, the inclusion of features such as the

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locking mechanism 44 and the couplings 22 and 42 having a detachable construction simply provide embodiments having additional convenience features. This is why the locking mechanism and detachable coupling arrangements are only included as limitations of dependent claims.

In addition, and in the spirit of 37 CFR 1.83(a), the locking mechanism and detachable coupling arrangements in accordance with the presently disclosed invention are mundane structures that may be readily provided by skilled persons in a number of configurations. They are well known in the art.

Therefore, the applicant respectfully submits that the inclusion of Fig. 7 (along with the other included figures) and the descriptions of paragraphs [0009], [0027], and [0034], provides proper antecedence in full compliance with 37 CFR1.83(a).

The applicant respectfully requests that the Examiner reconsider and withdraw the objection to the drawings based 37 CFR1.83(a)

3. The Examiner has rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Kerry (US 3,601,966).

The applicant must again respectfully disagree with the Examiner. A full discussion of the 102(b) rejection of these claims based on Kerry is provided below.

4. The cited prior art teachings of Kerry provide a structurally and operationally different device than that taught by the

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Reply to Office Action of 31 Aug 2004

applicant. As such, the applicant believes that the 102(b) rejection is incorrect for each of the reasons stated below:

- a) The applicant's present invention provides a fixed downward angle for each of the gathering head and grasping member, with respect to the elongated handle and the grasping sleeve, respectfully. This is clearly indicated in each independent claim 1 and 7, along with Figs 1A through 5. This limitation is also fully discussed in the specification in paragraphs [0006], [0012], [0021], and [0022].

The requirements of a downward angle - which is specifically maintained whether the device is employed for gathering or grasping debris is simply not taught in the prior art, and certainly not by Kerry.

- b) The Kerry device represents a more complicated gathering and pickup device than that taught by the applicant's present invention. Specifically, Kerry teaches a combination rake and pickup device with a plurality of coupled and non-separable structures including a pivotally mounted link 24 and a resilient member 34.

These structures are not provided by the applicant's device - and are fundamentally not compatible with the applicant's teachings. In contrast to the Kerry device, the applicant teaches a much simpler structure that includes two readily separable pieces: a gathering portion and a grasping portion. The applicant's structure employs a simple linear motion between portions of the invention for grasping gathered debris, while Kerry and other known gathering devices provide for a rotational or pivoting motion - specifically requiring additional structures such as the pivotally mounted link 24 and the resilient member 34.

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Again, the structures of the embodiments of the applicant's devices as described and claimed in each independent claim teaches a simplified gathering and pickup device, permitting a quick and easy of separating of the gathering portion from the grasping portion. This is a feature not taught by Kerry and many of the gathering and grasping devices in the prior art.

- c. The Kerry device, as described and claimed, must include a resilient member 34 to enable a change of angle between a first (gathering) rake head and a second (grasping) rake head as the operator sleeve is moved between a first retracted position (gathering position) and a second advanced position (a grasping position).

In contrast, the applicants present invention does not require a resilient or flexible member, and has no use for one. It is notable that the angle of the grasping portion is substantially fixed and does not change with respect to the gathering head as the device is operated. This is an important feature/limitation not taught by Kerry or other known "pickup rakes" such as those provided by Tolliver (5,303,536), Harris et al. (1,160,282), Gascon (4,292,794), as well as others.

As such, the applicant respectfully suggests that the structure of the applicant's present invention, when compared to Kerry (and others known in the art) is significantly and patentably different. In addition, the above described structural differences yield notable differences in the use and operation of these two differing devices.



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Reply to Office Action of 31 Aug 2004

Due to these structural and functional differences, which are clearly included in each of the presently pending independent claims, the applicant respectfully requests that the rejection of claims 1-14 be reconsidered and withdrawn.

##### 5. Summary and Conclusions:

In summary, it is respectfully submitted that the gathering and pickup tool, as described and claimed by the applicant, is not taught by Kerry or the other prior art references of record. In particular, the structures taught by the cited prior art references are not compatible with the applicant's teachings and yield a more complicated structure/device. Importantly, the embodiments disclosed and claimed by the applicant specifically provide for a simplified device having a fixed downward angle - at all times between the gathering head and the elongated handle, as well as the grasping member and the grasping sleeve. Use of the applicant's device involves a simple linear motion, without pivoting or rotating, when grasping a bunch of debris for lifting and disposal.

Based on the above comments and responses to the Office Action of August 31, 2004, the allowance of the independent claims 1 and 7 is respectively requested.

As each of these presently pending independent claims is in proper form, and includes limitations that define patentable subject matter over the prior art of record, their allowance is earnestly solicited.

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Since the dependent claims incorporate all of the limitations of the independent claims from which they depend, their allowance is also respectfully requested.

Thank-you for your time regarding the review and analysis of this response.

Respectfully submitted,

---

F. Scott Tierno  
USPTO Reg. No. 39,399  
Agent for Applicant

Date

Island Patent  
12 Rutgers Road  
Farmingville, NY 11738  
Attn: F.S. Tierno

631-698-2697 (voice)  
631-698-4977 (fax)  
fscott@islandpatent.com

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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Commissioner of Patents & Trademarks, Washington, DC 20231, on the date indicated below.

---

Date of Deposit

Signature